

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Brian J. Cristofono,

Debtor.



Aneta Lennartson and Top Law, PLLC,

Plaintiffs,

v.

Brian J. Cristofono,

Defendant.

Case No. BKY 20-40994
Chapter 7 Case
Chief Judge Michael E. Ridgway

Adv. Proceeding No. 20-04094-MER

**NOTICE OF APPEAL AND
STATEMENT OF ELECTION**

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the Appellant(s).

1. Name(s) of appellant(s): Aneta Lennartson and Top Law, PLLC.
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal: Plaintiffs.

Part 2: Identify the Subject of This Appeal.

1. Describe the judgment, order, or decree appealed from: Orders (1) denying Plaintiffs' Motion requesting that the Court direct Defendant to replead his Answer and strike Defendant's putative affirmative defense and (2) directing the undersigned to show cause.
2. State the date on which the judgment, order, or decree was entered: Thursday, August 27, 2020.

[Continues on next page.]

Part 3: Identify the Other Parties to the Appeal.

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

	<u>PARTY</u>	<u>ATTORNEY</u>
1.	Plaintiffs Aneta Lennartson and Top Law, PLLC	Jeremy J. Cobb (#316441) COBB CHAUCER PLLC 400 South Fourth Street, Suite 401-232 Minneapolis, Minnesota 55415 Telephone: (763) 516-6231 jjcobb@umich.edu
2.	Defendant Brian J. Cristofono	Nathan M. Hansen (#0328017) NATHAN M. HANSEN, ATTORNEY AT LAW 2440 North Charles Street, Suite 242 North St. Paul, Minnesota 55109 Telephone: (651) 704-9600 nathan@hansenlawoffice.com

Part 4: Optional Election to Have Appeal Heard by District Court (Applicable Only in Certain Districts).

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign Below.

Dated: September 10, 2020

Respectfully submitted,

COBB CHAUCER PLLC

/e/ Jeremy J. Cobb
Jeremy J. Cobb (#316441)
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Minneapolis, Minnesota 55415
(763) 516-6231
jjcobb@umich.edu

Counsel for Plaintiffs

EXHIBIT A

Exhibit to Notice of Appeal and Statement of Election
Aneta Lennartson and Top Law, PLLC v. Cristofono (In re Cristofono)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Brian John Cristofono,

Debtor.

BKY Case No. 20-40994

Aneta Lennartson and Top Law, PLLC,

Plaintiffs,

ADV No. 20-4094

-v.-

ORDER DENYING MOTION

Brian John Cristofono,

Defendant.

At Minneapolis, Minnesota, August 27, 2020.

This adversary proceeding came before the Court on the “NOTICE OF HEARING AND VERIFIED MOTION OF PLAINTIFFS FOR AN ORDER (1) DIRECTING DEFENDANT TO REPLEAD HIS ANSWER AS NOT COMPLIANT WITH FED. R. CIV. P. 8 AND FED. R. BANKR. P. 9011, AND (2) STRIKING DEFENDANT’S PUTATIVE AFFIRMATIVE DEFENSE,” (the “Motion”) together with the defendant’s response thereto, as well as the plaintiffs’ reply (the “Reply”) to the defendant’s response.

After the close of argument, and based on the evidence, and all the files, records, and proceedings herein, pursuant to Fed. R. Bankr. P. 7052, the Court orally stated and recorded in open court its decision, concluding that the Motion should be denied.

ACCORDINGLY, IT IS HEREBY ORDERED THAT the Motion is denied in all respects.

BY THE COURT:

/e/ Michael E. Ridgway

Michael E. Ridgway
Chief United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 08/27/2020 Lori Vosejpka, Clerk, by MJS
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